



09.19.05

AF Zm  
1444

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ASHKENAZI, et al.

Application Serial No. 09/903,749

Filed: July 11, 2001

For: **SECRETED AND TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

) Examiner: Chernyshev, Olga N.

) Art Unit: 1646

) Confirmation No: 5380

) Attorney's Docket No. 39780-1618P2C6

) Customer No. 35489

**EXPRESS MAIL LABEL NO. EL 976 547 405 US**

DATE MAILED: SEPTEMBER 15, 2005

**NOTICE OF APPEAL**

Commissioner for Patent -- MAIL STOP AF  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 20, 2005 of the Primary Examiner finally rejecting Claims 39-43. The item(s) marked below are appropriate:

**Filing Fee:**

**\$500.00 (large entity)**

The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-1618P2C6).

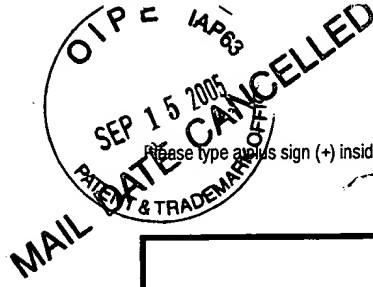
Date: September 15, 2005

By: Daphne Reddy  
Daphne Reddy (Reg. No. 53,507)

**HELLER EHRLMAN LLP**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2153219 v1  
9/15/05 1:21 PM (39780.1618)

09/20/2005 EFLORES 00000033 09903749  
01 FC:1401 500.00 DA



09-19-05

KC  
10/16  
PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/903,749
	Filing Date	July 11, 2001
	First Named Inventor	Ashkenazi, et al.
	Group/Art Unit	1646
	Examiner Name	Chernyshev, Olga N.

Total Number of Pages in This Submission	3	Attorney Docket Number	39780-1618P2C6
--	---	------------------------	----------------

**ENCLOSURES (check all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> <b>FEE TRANSMITTAL FORM</b>              | <input type="checkbox"/> Copy of an Assignment   | <input type="checkbox"/> After Allowance Communication to Group                                     |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                 |
| <input type="checkbox"/> Amendment / Response                                | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition   | <input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b>   |
| <input type="checkbox"/> Version With Markings Showing Changes               | <input type="checkbox"/> Petition to Convert to a Provisional Application  | <input type="checkbox"/>  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers | <input type="checkbox"/> Additional Enclosure(s) ( <i>please identify below</i> ):                  |
| <input type="checkbox"/> Extension Of Time                                   | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> <b>STAMPED RETURN POSTCARD</b>                                  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Small Entity Statement  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |  |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |  |   |
| <input type="checkbox"/> Copy of Notice                                      |  |   |

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618P2C6.**

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual name	HELLER EHRMAN LLP 275 Middlefield Road, Menlo Park, California 94025   Telephone: (650) 324-7000   Facsimile: (650) 324-0638		
Signature	<i>Daphne Reddy</i>		
Date	SEPTEMBER 15, 2005	Customer Number:	35489

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: SEPTEMBER 15, 2005

Express Mail Label EL 976 547 405 US
--------------------------------------

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

O I P E  
I A P  
SEP 15 2001  
P A T E N T & T R A D E M A R K O F F I C E

# FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

## Complete if Known

Application Number	09/903,749
Filing Date	July 11, 2001
First Named Inventor	Ashkenazi, et al.
Examiner Name	Chernyshev, Olga N.
Art Unit	1646
Attorney Docket No.	39780-1618P2C6

## METHOD OF PAYMENT (check one)

 Check     Credit card     Money Order     Other     None Deposit Account:Deposit Account Number **08-1641 (Docket No. 39780-1618P2C6)**Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

## The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460		1460		Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

SUBTOTAL (1) **( \$ )**

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	x	=
Independent Claims	-3** =	x	= 0
Multiple Dependent		=	0
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)
1202	50	2202	25
			Claims in excess of 20
1201	200	2201	100
			Independent claims in excess of 3
1203	360	2203	180
			Multiple dependent claim, if not paid
1204	200	2204	100
			**Reissue independent claims over original patent
1205	50	2205	25
			**Reissue claims in excess of 20 and over original patent
			SUBTOTAL (2) <b>( \$ )</b>

\*\*or number previously paid, if greater; For Reissues, see above

\* Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$500.00)**

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507	Telephone	650-324-7000
Signature	Daphne Reddy	Date	SEPTEMBER 15, 2005	Customer No. 35489	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.